

Federal Property Management Regulations

§ 101-41.501

of completion of service subject to limitations prescribed by the Administrator of General Services or his designee: *Provided*, the carrier or forwarder has issued the usual ticket, receipt, bill of lading, or equivalent document covering the service involved. The joint standards also place responsibility upon each agency that adopts procedures for the payment of charges for transportation services prior to Government confirmation of the satisfactory completion of such services to ensure that advance payments are not made to:

(a) An assignee bank or financial institution under the authority of 31 U.S.C. 3727 and 41 U.S.C. 15;

(b) Payees who are in bankruptcy proceedings or are subject to the control of a receiver, trustee, or other similar representative;

(c) Payees who consistently fail to refund overcharges without assertion of substantial defense or other valid reasons when notified by GSA or any other interested Government agency;

(d) Payees who without good cause fail to make timely disposition or settlement of loss or damage or other claims asserted by agencies of the United States;

(e) Payees owing substantial sums of money to the United States for which no adequate arrangements for settlement have been made;

(f) Payees in such bad financial condition as to justify a determination that the Government's best interests require consideration of special payment rules for their account;

(g) Payees who do business with the United States infrequently and who previously have not been administratively approved for payment upon presentation of bills; or

(h) Any other person or business organization determined administratively for valid reasons to be ineligible for payment, unless, after review of the facts and in the absence of objection by the U.S. General Accounting Office, it is determined administratively that the best interests of the United States

will not be jeopardized by such payment.

(31 U.S.C. 952, 31 U.S.C. 3726; 40 U.S.C. 486(c))
[42 FR 36672, July 15, 1977, as amended at 46 FR 42666, Aug. 24, 1981; 48 FR 27725, June 17, 1983]

§ 101-41.402-2 Limitations on advance payment of charges for transportation services.

The payment of charges in advance of completion of service is authorized for:

(a) Passenger transportation services procured through the use of cash as set forth in § 101-41.203-2; and

(b) Freight transportation services procured through the use of commercial forms and procedures as set forth in § 101-41-304-2.

(31 U.S.C. 3726, 31 U.S.C. 1801, and 40 U.S.C. 486(c))

[42 FR 36672, July 15, 1977, as amended at 48 FR 35650, Aug. 5, 1983]

Subpart 101-41.5—Claims by the United States Relating to Transportation Services

§ 101-41.500 Scope and applicability of subpart.

This subpart sets forth procedures applicable to the assertion of claims by the United States that arise out of freight and passenger transportation services furnished for the account of the United States, the consideration and disposition of protests thereto, the collection of claims by administrative offset and by other means, the imposition of interest, penalties, and the disposition of amounts collected.

[50 FR 49847, Dec. 5, 1985]

§ 101-41.501 Definitions.

(a) The term *overcharges* as used herein means charges for transportation services in excess of those applicable thereto under tariffs lawfully on file with Federal or State transportation regulatory agencies, and charges in excess of those applicable thereto under rates, fares, and charges established pursuant to section 10721 of the Revised Interstate Commerce Act, as amended (49 U.S.C. 10721), or other equivalent

contract, arrangement, or exemption from regulation.

(b) The term *ordinary debt* as used herein means any administratively determined transportation-related debt other than an overcharge. Ordinary debts include, but are not limited to, payments for transportation services ordered and not furnished duplicate payments, and those involving loss and/or damage to property transported by carriers.

(c) The term *claim* as used herein means any demand by the United States for the payment of overcharges, ordinary debts, fines, civil penalties, special charges, or interest.

[50 FR 49847, Dec. 5, 1985]

§ 101-41.502 Examination of payments and initiation of collection action and assertion of claims.

(a) *Examination of payments.* (1) Carrier bills and supporting documents that represent payments made by agency disbursing officers for freight and passenger transportation services shall be forwarded to the General Services Administration (BWAA/C), Washington, DC 20405, for audit. For the purpose of determining whether a claim exists, GSA will consider:

(i) The document ordering the services furnished to determine the contractual basis upon which the rights of the Government and the carrier are based;

(ii) The pertinent tariffs, special or reduced rate quotations, contracts, or agreements, to determine the proper charge for the services rendered;

(iii) Decisions of the courts, regulatory bodies, and the Comptroller General affecting the rates, fares, and charges; and

(iv) Information furnished by transportation officers, travelers, or agencies.

(2) The General Services Administration is obligated to honor a carrier bill for charges properly due. However, GSA has a concurrent responsibility to question or disapprove that part of a payment to a carrier which is found to be illegal or mathematically incorrect or which is not accompanied by documented support establishing an obligation of the United States.

(b) *Notice of overcharge.* (1) A GSA notice of overcharge is issued when it is determined that a carrier has been paid a sum in excess of that proper for the services rendered. This notice, which states a debt owned to the United States, sets forth: the amount paid; the basis for the proper charge for each Government bill of lading or Government transportation request; and cites applicable tariff references and other data relied upon to support the statement of difference. A separate notice of overcharge is stated for each Government bill of lading or Government transportation request and mailed to the billing carrier.

(2) If the GBL or the GTR contains a contract provision relating to the assessment of interest, then interest shall be charged under the contract terms thereof. If neither contains such a provision, then interest shall be assessed under the Debt Collection Act (31 U.S.C. 3717) and the Federal Claims Collection Standards, 4 CFR parts 101-105, and regulations published in 41 CFR parts 105-55.

(c) *Notice of indebtedness.* A GSA notice of indebtedness is issued when it is determined that an ordinary debt is due the United States. This notice sets forth the basis for the debt, the debtor's rights, interest, penalty and other consequences of nonpayment. The debt is due immediately. Interest accrues 30 calendar days after the mailing of the notice of indebtedness and is subject to interest charges, penalties and administrative costs as prescribed by 31 U.S.C. 3717.

[50 FR 49848, Dec. 5, 1985]

§ 101-41.503 Refunds and/or protests to claims.

(a) Carriers are requested to promptly refund amounts due the United States. Checks shall be made payable to the "General Services Administration" and mailed to the General Services Administration (BWCA), Washington, DC 20405.

(b) A carrier that disagrees with a claim may protest by letter to the General Services Administration (BWCA), Washington, DC 20405. Since each claim